



BILLING CODE: 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

A-570-896

Magnesium Metal from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2012-2013

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce

EFFECTIVE DATE: (Insert the publication date in the *Federal Register*.)

SUMMARY: On April 1, 2014, the Department of Commerce (“the Department”) published in the *Federal Register* the preliminary results of the administrative review of the antidumping duty order on magnesium metal from the People's Republic of China (“PRC”) covering the period April 1, 2012 through March 31, 2013.<sup>1</sup> This review covers one PRC company, Tianjin Magnesium International, Co., Ltd. (“TMI”). The Department gave interested parties an opportunity to comment on the *Preliminary Results*, but we received no comments. Hence, these final results are unchanged from the *Preliminary Results*, and we continue to find that TMI did not have reviewable entries during the period of review (“POR”).

FOR FURTHER INFORMATION CONTACT: Laurel LaCivita or Erin Begnal, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-4243 or (202) 482-1442, respectively.

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<sup>1</sup> See *Magnesium Metal From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2012-2013*, 79 FR 18277 (April 1, 2014) (“*Preliminary Results*”).

## SUPPLEMENTARY INFORMATION

### Background

On April 1, 2014, the Department published the *Preliminary Results* of the instant review.<sup>2</sup> TMI submitted a timely-filed certification indicating that it had no shipments of subject merchandise to the United States during the POR.<sup>3</sup> In addition, in response to the Department's query, U.S. Customs and Border Protection ("CBP") did not provide any evidence that contradicted TMI's claim of no shipments.<sup>4</sup> The Department received no comments from interested parties concerning the results of the CBP query. Therefore, based on TMI's certification and our analysis of CBP information, we preliminarily determined that TMI did not have any reviewable entries during the POR.<sup>5</sup> We invited interested parties to comment on the *Preliminary Results*.<sup>6</sup> We received no comments from interested parties.

The Department conducted this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended ("the Act").

### Scope of the Order

The product covered by this antidumping duty order is magnesium metal from the PRC, which includes primary and secondary alloy magnesium metal, regardless of chemistry, raw material source, form, shape, or size. Magnesium is a metal or alloy containing by weight primarily the element magnesium. Primary magnesium is produced by decomposing raw materials into magnesium metal. Secondary magnesium is produced by recycling magnesium-

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<sup>2</sup> *Id.*

<sup>3</sup> See letter from TMI, "Magnesium Metal from the People's Republic of China; A-570-896; Certification of No Sales by Tianjin Magnesium International, Co., Ltd." dated July 23, 2012 {sic}.

<sup>4</sup> See *Preliminary Results*, 79 FR at 18278.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

based scrap into magnesium metal. The magnesium covered by this order includes blends of primary and secondary magnesium.

The subject merchandise includes the following alloy magnesium metal products made from primary and/or secondary magnesium including, without limitation, magnesium cast into ingots, slabs, rounds, billets, and other shapes; magnesium ground, chipped, crushed, or machined into rasping, granules, turnings, chips, powder, briquettes, and other shapes; and products that contain 50 percent or greater, but less than 99.8 percent, magnesium, by weight, and that have been entered into the United States as conforming to an “ASTM Specification for Magnesium Alloy”<sup>7</sup> and are thus outside the scope of the existing antidumping orders on magnesium from the PRC (generally referred to as “alloy” magnesium).

The scope of this order excludes: (1) all forms of pure magnesium, including chemical combinations of magnesium and other material(s) in which the pure magnesium content is 50 percent or greater, but less than 99.8 percent, by weight, that do not conform to an “ASTM Specification for Magnesium Alloy”<sup>8</sup>; (2) magnesium that is in liquid or molten form; and (3) mixtures containing 90 percent or less magnesium in granular or powder form by weight and one or more of certain non-magnesium granular materials to make magnesium-based reagent mixtures, including lime, calcium metal, calcium silicon, calcium carbide, calcium carbonate, carbon, slag coagulants, fluorspar, nepheline syenite, feldspar, alumina (Al<sub>2</sub>O<sub>3</sub>), calcium

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<sup>7</sup> The meaning of this term is the same as that used by the American Society for Testing and Materials in its Annual Book for ASTM Standards: Volume 01.02 Aluminum and Magnesium Alloys.

<sup>8</sup> The material is already covered by existing antidumping orders. See *Notice of Antidumping Duty Orders: Pure Magnesium from the People’s Republic of China, the Russian Federation and Ukraine*; *Notice of Amended Final Determination of Sales at Less Than Fair Value: Antidumping Duty Investigation of Pure Magnesium from the Russian Federation*, 60 FR 25691 (May 12, 1995); and *Antidumping Duty Order: Pure Magnesium in Granular Form from the People’s Republic of China*, 66 FR 57936 (November 19, 2001).

aluminate, soda ash, hydrocarbons, graphite, coke, silicon, rare earth metals/mischmetal, cryolite, silica/fly ash, magnesium oxide, periclase, ferroalloys, dolomite lime, and colemanite.<sup>9</sup>

The merchandise subject to this order is classifiable under items 8104.19.00, and 8104.30.00 of the Harmonized Tariff Schedule of the United States (“HTSUS”). Although the HTSUS items are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

#### Final Determination of No Shipments

As explained above, in the *Preliminary Results*, the Department found that TMI did not have reviewable entries during the POR.<sup>10</sup> Also in the *Preliminary Results*, the Department stated that consistent with its recently announced refinement to its assessment practice in non-market economy (“NME”) cases, it is appropriate not to rescind the review in part in this circumstance but, rather, to complete the review with respect to TMI and to issue appropriate instructions to CBP based on the final results of the review.<sup>11</sup>

After issuing the *Preliminary Results*, the Department received no comments from interested parties, nor has it received any information that would cause it to revisit its preliminary determination. Therefore, for these final results, the Department continues to find that TMI did not have any reviewable entries during the POR.

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<sup>9</sup> This third exclusion for magnesium-based reagent mixtures is based on the exclusion for reagent mixtures in the 2000-2001 investigations of magnesium from China, Israel, and Russia. See *Final Determination of Sales at Less Than Fair Value: Pure Magnesium in Granular Form From the People’s Republic of China*, 66 FR 49345 (September 27, 2001); *Final Determination of Sales at Less Than Fair Value: Pure Magnesium From Israel*, 66 FR 49349 (September 27, 2001); *Final Determination of Sales at Not Less Than Fair Value: Pure Magnesium From the Russian Federation*, 66 FR 49347 (September 27, 2001). These mixtures are not magnesium alloys, because they are not combined in liquid form and cast into the same ingot.

<sup>10</sup> See *Preliminary Results*, 79 FR at 18278.

<sup>11</sup> See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011) (“*Assessment Practice Refinement*”) and the “Assessment Rates” section, below.

### Assessment Rates

The Department determined, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.<sup>12</sup> The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

Additionally, consistent with the Department's refinement to its assessment practice in NME cases, because the Department determined that TMI had no shipments of subject merchandise during the POR, any suspended entries that entered under TMI's antidumping duty case number (*i.e.*, at that exporter's rate) will be liquidated at the PRC-wide rate.<sup>13</sup>

### Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice of final results of the administrative review, as provided by section 751(a)(2)(C) of the Act: (1) for TMI, which claimed no shipments, the cash deposit rate will remain unchanged from the rate assigned to TMI in the most recently completed review of the company; (2) for previously investigated or reviewed PRC and non-PRC exporters who are not under review in this segment of the proceeding but who have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the PRC-wide rate of 141.49 percent;<sup>14</sup> and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate

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<sup>12</sup> See 19 CFR 351.212(b).

<sup>13</sup> See *Assessment Practice Refinement*, 76 FR 65694.

<sup>14</sup> See *Notice of Antidumping Duty Order: Magnesium Metal From the People's Republic of China*, 70 FR 19928 (April 15, 2005).

will be the rate applicable to the PRC exporter(s) that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

#### Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

We are issuing and publishing these final results and this notice in accordance with sections 751(a)(1) and 777(i) of the Act.

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Lynn Fischer Fox  
Deputy Assistant Secretary  
for Policy and Negotiations

June 16, 2014 \_\_\_\_\_  
Date

[FR Doc. 2014-14481 Filed 06/19/2014 at 8:45 am; Publication Date: 06/20/2014]